

CNR
F.#201901269

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

YAJASIEL FRANCO,
also known as "Eliezer Frias,"

Defendant.

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

KENNETH LOPEZ, being duly sworn, deposes and states that he is a
Deportation Officer with the Department of Homeland Security, United States Immigration and
Customs Enforcement, duly appointed according to law and acting as such.

Upon information and belief, there is probable cause to believe that on or about
February 4, 2020, within the Eastern District of New York and elsewhere, the defendant
YAJASIEL FRANCO, also known as "Eliezer Frias," being an alien who had previously been
convicted of an aggravated felony, and was thereafter excluded and removed from the United
States, and who had not made an application for admission to the United States to which the
Secretary of the Department of Homeland Security, successor to the Attorney General of the
United States, had expressly consented, was found in the United States.

(Title 8, United States Code, Sections 1326(a) and 1326(b)(2)).

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COMPLAINT

(T. 8, U.S.C., §§ 1326(a) and
1326(b)(2))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Deportation Officer with United States Immigration and Customs Enforcement ("ICE") and have been involved in the investigation of numerous cases involving the illegal reentry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation, my review of the ICE investigative file (including the defendant's criminal history record), and from reports of other law enforcement officers involved in the investigation.

2. The defendant YAJASIEL FRANCO, also known as "Eliezer Frias," is a citizen and national of the Dominican Republic, who was convicted of access device fraud, in violation of 18 U.S.C. §§1029(a)(4) and (c)(1)(A)(II), in the United States District Court for the Middle District of Florida, on or about September 23, 2013 and sentenced to, among other things, 48 months' imprisonment and ordered to pay restitution of \$415,288.78.

3. On or about April 18, 2017, the defendant YAJASIEL FRANCO, also known as "Eliezer Frias," was removed from the United States to the Dominican Republic.

4. On December 8, 2019, ICE received information that the defendant YAJASIEL FRANCO, also known as "Eliezer Frias," had returned to the United States and was working at a Honda dealership in Bay Shore, New York under the alias "Eliezer Frias," which is the name of FRANCO's brother.

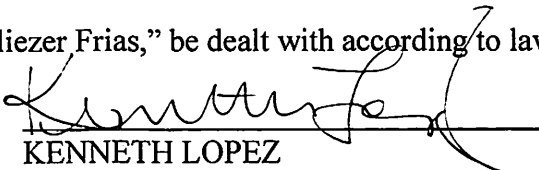
¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

5. On December 23, 2019, during surveillance of the Honda dealership in Bay Shore, New York, I observed the defendant YAJASIEL FRANCO, also known as "Eliezer Frias," at the Honda dealership wearing a name tag bearing the name "Eliezer Frias." I recognized FRANCO from the photograph contained in his ICE immigration file.

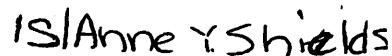
6. On or about February 4, 2020, the defendant YAJASIEL FRANCO, also known as "Eliezer Frias," was arrested in Central Islip, New York. Incident to his arrest, FRANCO's fingerprints were obtained and matched with fingerprints taken in connection with his felony access device fraud conviction in September 2013 and his April 2017 removal to the Dominican Republic. Subsequent to arrest, FRANCO waived his Miranda rights and admitted his true identity and to illegally reentering the United States.

7. A search of immigration records has revealed that there exists no request by the defendant YAJASIEL FRANCO, also known as "Eliezer Frias," for permission from either the United States Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States after removal.

WHEREFORE, your deponent respectfully requests that the defendant YAJASIEL FRANCO, also known as "Eliezer Frias," be dealt with according to law.


KENNETH LOPEZ
Deportation Officer
United States Immigration and Customs
Enforcement

Sworn to before me this
4 day of February 2020



THE HONORABLE ANNE Y. SHIELDS
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK